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A Guide for Liquor Licensees in British Columbia

Avoiding Problems: A 30 Point Plan

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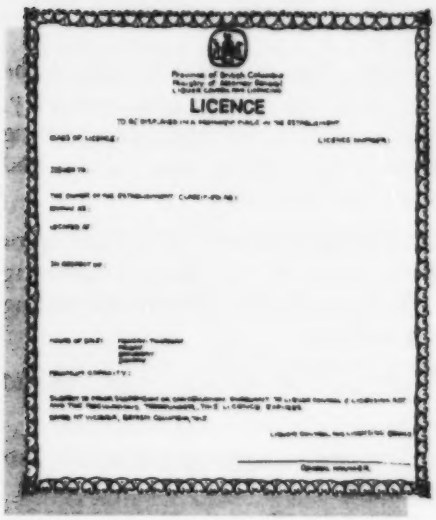
A Guide for Liquor Licensees in British Columbia

Avoiding Problems: A 30 Point Plan

I. Introduction


LICENCE

A British Columbia liquor licence is a significant business asset to any establishment. The licence affects you and your community both economically and socially. Therefore each time a liquor licence is issued, a licensee must assume the legal responsibilities and obligations. How important your liquor licence is to you, is reflected by your adherence to the rights and privileges associated with your licence. Any departure from those legal rights and privileges may result in the interruption or loss of that licence, and that could have substantial financial implications for you.

The responsibility of the Liquor Control and Licensing Branch (LCLB) is to ensure that all licensees comply with the Liquor Control and Licensing Act and Regulations and the terms and conditions of their licences. The Branch Liquor Inspectors, in cooperation with local police forces and the community, monitor liquor licensees to ensure that they are operating legally. The roles of these officials and the process of reporting infractions are explained in Section II this publication.

Section III of this publication outlines the consequences of any activities in a licensed establishment that do not conform to these guidelines and privileges outlined in your liquor licence. A review of the applicant's appeal process and the role of the Hospitality Industry Liquor Licensing Advisory Committee (HILLAC) follow in Sections IV and V.

It is the responsibility of each licensee to understand what their licence allows. A liquor licence affects the kind, type, brand and amount of liquor that may or may not be served in your establishment. It also effects the hours that you may serve liquor, the kinds of entertainment that you provide, the way you advertise your establishment and more. By having a liquor licence, you are agreeing to operate under the terms and conditions of that licence. At the same time, you are acknowledging the consequences of not operating under the conditions allowed. Section VI of this publication outlines 30 of these conditions that affect your general operations, entertainment, liquor manufacturer/agent relations and advertising.

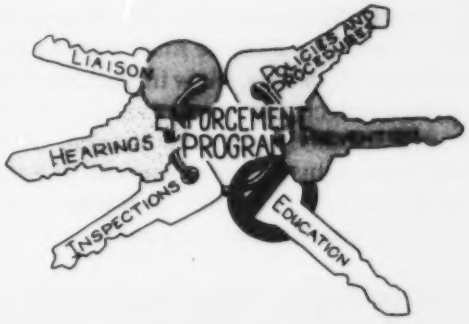
Definitions

Throughout this publication, the term "manufacturer" shall mean a manufacturer of liquor product(s) or the corporate official of a liquor manufacturer. "Representative" or "agent" shall refer to an agent of a manufacturer, the employee of a manufacturer or the employee of an agency that sells domestic or import liquor products. "Licensee" shall refer to any individual(s) or corporate body who holds a class "A", "B", "C", "D", "E", "F", "G", "H", or "I" British Columbia liquor licence.

Liquor Control and Licensing Branch – Enforcement Program

The role of the Enforcement Program in the Liquor Control and Licensing Branch is to help provide an orderly, problem-free and economically viable environment for licensed establishments. Central to this objective is the minimization of social costs associated with the service and consumption of alcoholic beverages, that jeopardize public safety, health and well-being. Although penalties are imposed upon licensees who break the law, the goal of the Liquor Control and Licensing Branch is to minimize the number of infractions through licensee education and voluntary compliance. If education or warnings are not effective, it could lead to an enforcement hearing resulting in licence suspensions. This publication attempts to meet an education goal of the Branch thereby hoping to prevent infractions.

The key components to the Enforcement Program include:



1. **Enforcement Policies and Procedures** to ensure consistency in decision-making;
2. **Preventative Information Services** to ensure the availability of information to the industry, associations and law enforcement agencies regarding liquor laws, infraction penalties, new policies and trend in liquor law enforcement;
3. **Liquor Inspectors as Educators** to ensure that Liquor Inspectors to function as educators informing licensees about the liquor laws of the Province putting **prevention as a priority**;
4. **Premise Inspection Program** to ensure that all licensed establishments are annually inspected and that problem establishments are carefully monitored;
5. **Enforcement Hearings** to ensure that this process allows for responsive, appropriate action, fair and consistent penalties and prompt communication of decisions;
6. **Enforcement Liaison Program** to ensure that the Liquor Control and Licensing Branch continues effectively to plan and administer liquor laws with police and law enforcement agencies in B.C.

II. How the Branch Knows About Your Establishment

The Liquor Control and Licensing Branch knows about your establishment through a communication network that sees Liquor Inspectors, police officers, industry, local agencies and the public working together. These sources of information are discussed below.

1. Liquor Control and Licensing Branch Inspection Program

Liquor Inspectors operate out of regional offices throughout the Province of B.C.. These inspectors are involved in both licensing and enforcement functions and are familiar with all of the licensed establishments in their areas. You should know your local Liquor Inspector. Your Inspector plans an annual inspection to your licensed premise, more if your establishment requires monitoring. These visits provide the Inspector with an opportunity to evaluate your

establishment and how well you observe the terms and conditions of your licence. It also provides you with an opportunity to ask questions and clarify any potential problems.

Liquor Inspectors and police officers must be granted immediate access to all areas of your establishment when requested.

If potential problems are noted by a Liquor Inspector during an inspection to your establishment, you may be able to resolve them immediately if they are not serious. If the infraction is serious, other action may be required. In any case, **the Liquor Inspector must report his inspection,** identifying any infraction that may have occurred. The types of action that may be taken by the Branch are described in the Section III.

2. The Police Walk-through Program

All police forces throughout the province participate in a walk-through program, a regular, organized system of visits to licensed establishments. The program is aimed at the prevention of criminal or disorderly activity by providing a highly visible police presence. The police consider these visits to licensed establishments to be an integral part of the routine preventive patrol in any community.

When police walk through an establishment, they will look for evidence of an infraction. Any infractions noted will be reported to the person in charge of the premises, and, ultimately, **a report is submitted by the police to the Branch.** Usually, a copy of the report is given to the licensee.

The police walk-through program has proven to be an outstanding success. The program acts as an important part in preventing infractions and promotes a greater respect for awareness of the laws that must be observed. The program is of benefit to licensees and the community at large. The police of the province are to be commended for their commitment to this program.

3. Complaints

If there is a complaint about your establishment, it may come from a member of the public, a competitor, the local government or any other agency that perceives your establishment to be breaking the law.

Every complaint is addressed by the Liquor Inspector. The Inspector may visit your establishment to discuss the complaint and investigate on-site. Potential problems may be resolved between you and your Inspector immediately, or it may be necessary for the Inspector to take further enforcement action. The reaction from the Branch will depend upon the nature of the complaint and upon whether the establishment is already the subject of some enforcement proceedings.

Complaints from local governments and other regulatory authorities are investigated by the Branch in cooperation with officials of the originating agency. When any investigation is completed, **the Liquor Inspector completes a report** so that any required action can be taken.

III. Action by the Branch

The Enforcement Program is built upon the philosophy that all enforcement action will be taken quickly and that voluntary compliance by the licensee is the most productive solution. Some decisions, therefore, are made between the licensee and the Liquor Inspector. Any action that is required by the Branch forms an important part of your record. If action is taken against you, ensure that you understand the action taken. If any points of a discussion or letter are unclear, you should discuss it with the Branch officer involved. There are four actions by the Branch that could occur:

1. Referring the Licensee to the Hospitality Industry Liquor Licensing Advisory Committee (HILLAC)

Sometimes the local industry association may be able to advise you on how to overcome problems you may be experiencing in your operation. The knowledge in your community industry is a great asset, especially for new licensees. The HILLAC in your area is not, nor is it intended to be authoritative in any sense of the word. It is advisory and may help avoid a formal course of action by the Liquor Control and Licensing Branch or another regulatory body. The committee does not exist to replace the enforcement activities of the Branch. Once the Branch has decided to take enforcement proceedings against a licensee, it would not be appropriate to try to get the matter dealt with by HILLAC.

2. Warning Letters

Where an infraction has been minor, a warning letter may be issued to your establishment. However, this must be assessed in light of any previous infractions by your establishment, as well as repeated offences of the same nature. A warning letter simply warns the licensee that what has occurred is unlawful; that you should correct the problem or further action will be required. If you receive a warning letter, consider it carefully and take any necessary action to prevent future problems and financial implications for your establishment.

3. Enforcement Meetings

An enforcement meeting may be convened when a warning letter is not sufficient or because of the nature or number of infractions. This formal meeting takes place between the Regional Senior Inspector, the local Inspector and the licensee to discuss the infraction and develop concrete ways to prevent infractions. The emphasis of the enforcement program is to educate the licensee to minimize future infractions and resolve any potential ones as quickly as possible.

4. Enforcement Hearings

When HILLAC, warning letters and enforcement meetings are not sufficient, the Inspector may recommend that a hearing be scheduled. Enforcement hearings are formal proceedings by the Liquor Control and Licensing Branch under the legal authority of the Liquor Control and Licensing Act. If you are required to attend a hearing, a serious infraction may have occurred in your establishment.

In cases where a hearing is required, you are notified in writing and asked to attend. The person presiding at a hearing is generally a Senior Inspector or Regional Manager who has the authority to restrict or suspend a liquor licence. In more serious cases, the hearing may be chaired by the Deputy General Manager or General Manager of the Liquor Control and Licensing Branch. You may be accompanied by any person you feel will help in presenting your case, including legal counsel. The Hearing is open to the public unless otherwise determined by the presiding adjudicator.

The hearing is meant to provide all relevant information concerning the operation of the licensed establishment so that the person presiding can make a fair decision. The style of a hearing is informal. Typically, the report on the infraction is read at the hearing. You will usually have a copy of this report, or at least full particulars of the substance of the report. Then you are given full opportunity to present your version of the circumstances. Questions and discussions are encouraged. Once all the information has been presented by you and the Branch, the person presiding considers all the information and makes a decision.

Once a hearing is completed, the person presiding at the hearing will usually make a decision and relate it orally at the hearing. There may be occasion, however, when the decision will be reserved in order to assess further the information presented and then a decision is made. A written decision will always be forwarded to you.

The Liquor Control and Licensing Act authorizes the LCLB to take action against a licensee without a hearing. Generally the Branch prefers to go through the hearing process, but situations do arise where it is necessary to make an immediate decision affecting a licensee.

When an infraction has occurred, it is the Branch's philosophy that the action taken should be sufficient to protect the public interest and ensure future compliance with the regulatory framework. Action taken by the Branch should bring home the seriousness of the infraction to the licensee, employees of the licensee, patrons of the licensee and the citizens of that area. Some factors that must be considered in any decision against a liquor licensee are as follows:

(a) the previous record of the licensee;
(b) the nature of the infraction;
(c) the effect of any proposed disciplinary action on the licensee and on the community at large;
(d) the extent to which the licensee has been cooperating with the Branch and with the police;
(e) whether the particular situation reported to the Branch is part of a larger social problem in that particular area;
(f) whether there have been any recent changes in ownership;
(g) the experience of the licensee;
(h) whether the licensee is taking definite steps to improve the operation of the premises;
(i) decisions taken against other licensees in similar situations;
(j) the day of the week when the infraction occurred.

The Branch has, for many years, carried out its enforcement activities in the firm belief that relatively short suspensions are sufficient to both punish the offender and act as a deterrent to others. In the present environment, that approach may no longer be satisfactory. Each case must, of course, be judged on its own merits, but all licensees should be on notice that the Branch will not hesitate to impose lengthy suspensions or even cancellations in appropriate cases.

Liquor licence suspensions have a considerable impact on the financial viability of an establishment. It is important to remember the potential consequences of any illegal action in your establishment. Get to know the thirty points outlined in this publication and study your liquor licence.

IV. Appeals

If you are a licensee affected by an enforcement decision, you may appeal it. If you feel aggrieved by an action, order or decision of the General Manager it is your right to appeal. Appeals are heard by the Liquor Appeal Board:

Liquor Appeal Board
1304 - 865 Hornby Street
Vancouver, B.C.
V6Z 2H4
Phone: 660 - 2987

Once the Branch has made a decision, you have thirty days to submit, by registered mail, a written notice of appeal to the Liquor Appeal Board with a copy sent to the General Manager.

V. Hospitality Industry Liquor Licensing Advisory Committee

The hospitality industry, with the police and Inspectors of the Branch, has formed committees known as the Hospitality Industry Liquor Licensing Advisory Committee (HILLAC) to discuss mutual enforcement problems in the industry. The committee is made up of representatives of the B.C. Hotels' Association, the Restaurant and Food Services Association of B.C., the Neighbourhood Pub Owners Association of B.C., the B.C. Motels' Association, the Cabaret Association, the police, and Liquor Inspectors from the LCLB.

Committees have been established in various areas of the province and it is intended that more local HILLAC committees be established where possible. Meetings of each local committee are held regularly where issues are raised and discussed. If an issue applies to all licensees, it is published in the regular newsletters put out by the industry associations.

HILLAC will offer assistance to any licensee with problems that have been identified by regulatory bodies. The success of HILLAC depends on the participation by the representatives in each local area. HILLAC is not, nor is it intended to be, authoritative in any sense of the word.

VI. Avoiding Problems: A 30 Point Plan

General Operations

1. Responsible Beverage Server Training (RBS or "Serving It Right")

All individuals named on the face of your liquor licence, or where the licence is issued to a corporation, any **director, officer or employee having responsibility for controlling the sale of liquor** of a corporate licensee, must successfully complete the **licensee component** of the "Serving It Right" training program. This program is administered through the Hospitality Industry Education Advisory Committee (HIEAC).

All employees of an establishment who serve liquor must successfully complete the **server component** of the "Serving It Right" training program. Any serving employee of an establishment who is left responsible for the licensed establishment at any time must also complete the **licensee component** of the training program.

If you are a **restaurant** without a holding area, your staff are currently exempt from "Serving It Right" training. However, your **managers** are not exempt. They must complete the **server component** of the training program.

New licensees have 120 days from the date of the licence issuance to fulfill the RBS condition of licensing. New employees have 120 days from the date of employment to fulfill the RBS obligation to complete this course.

The responsibility for ensuring that your employees are trained lies with you, the licensee. If you or your employees are not properly certified in RBS, your licence privileges will be jeopardized. You may be required to confirm your certification or your staff's certification to a Liquor Inspector or police officer. It is wise to keep a photocopy of each of your staff's RBS certificates, together with a listing of the employees on duty, ready for inspection at all times.

2. Designated Driver Program

If your establishment is a Neighbourhood Pub, Marine Pub, Cabaret or "A" class hotel licence, the Designated Driver Program allows for up to ten percent of additional patron seating capacity with strict conditions that designated drivers do not drink alcoholic beverages. These additional seats must comply with the Fire Commissioner patron capacities and must be approved by the Liquor Control and Licensing Branch. If you want your establishment to participate in the Designated Driver Program you must apply to the Liquor Control and Licensing Branch in writing, have shown a satisfactory enforcement record, advertise the program within Branch guidelines, and maintain a register of all designated drivers with time-in and time-out controls.

3. Minors

It is against the law to sell, serve, or supply liquor to a minor. If you or your employee sells, serves or supplies liquor to a minor, you or the employee is liable for a fine of not less than $500. You are also subject to penalty if your employee sells, serves or supplies liquor to a minor while in your establishment. Suspected minors must be asked for prescribed identification that has the following characteristics:

- It is issued by a government or government agency
- It has the holder's picture, signature and birthdate
- It has the holder's name imprinted, i.e. not handwritten

Minors are not allowed in licensed establishments, with the following exceptions;

- a restaurant, aircraft, train, motor vessel or airport lounge;
- a licensee retail store or government liquor store if the minor is accompanied by an adult;
- where a minor is a professional entertainer.

With respect to the latter exception, the minor may perform but must not remain in the licensed area before the show, during intermission or after the show. If minors are employed as entertainers, you must ensure that they are supervised at all times while in your licensed establishment. Whenever they are not entertaining, minors must leave the licensed areas. Under no circumstances may a minor perform as an exotic dancer or stripper.

4. Overcrowding

Your liquor licence tells you the maximum number of patrons that are allowed in your premise at one time. Where there is more than one area within the establishment, each area is outlined on the floor plan that was approved as part of your licence. The Provincial Fire Commissioner also establishes a maximum capacity that may not be the same as the liquor licence maximum capacity. **The maximum capacity on your liquor licence is your maximum patron capacity.**

5. Conduct of Patrons

You may not allow gambling, drunkenness or violent, quarrelsome, riotous or disorderly conduct in your establishment. As a licensee, you or your staff may request a person to leave or forbid them from entering your establishment if, for any reason you believe the presence of that person in the licensed establishment is undesireable or that the person is intoxicated. However, you must not contravene the Human Rights Act in doing so. The individual who has been asked to leave or has been barred from entering an establishment must not enter that establishment within twenty four hours. Anyone who does, commits an offence and may be arrested.

6. Patrons with Weapons

It is against the law for any patron in your establishment to possess a knife, firearm or weapon. If a patron is known to have or suspected of having a weapon, you should notify the police immediately.

7. Over-Service

You may not sell or give liquor to an intoxicated person or a person apparently under the influence of alcohol or drugs. Also, you may not let a person apparently under the influence of alcohol or drugs, enter or remain in your establishment. It is your responsibility to have them removed.

8. Buying Your Liquor

There are five places where you may purchase liquor products for sale in your establishment:

a) designated government liquor store
b) designated rural agency store
c) on-site commercial winery store
d) estate and farm winery store
e) cottage brewery store

Through prior arrangement with your designated government liquor store manager, orders may be made by phone. In these cases, an order form will be computer generated for your signature when you pick up your order. In all other cases orders must be recorded in your Form 60 Order Book, and presented to the sales outlet upon ordering. Every liquor purchase that your establishment makes must be recorded in a register and open for inspection by a Liquor Inspector at any time.

For those that use the Pacific Brewers Distributors (PBD) order/delivery direct debit payment arrangement, small quanitities for emergency orders may be purchased through your designated government liquor store.

9. Selling Your Liquor

Only liquor that has been bought through the assigned Liquor Distribution Store may be sold and only the type of liquor that is authorized on your licence may be sold. You may sell and serve it only in the areas designated as licensed areas on your licence. Study your licence.

If you are a Licensee Retail Store, you may not sell or transfer your liquor to any other licensed areas of the establishment or to any other licensee. Product must be kept for sale in the Licensee Retail Store only.

Your licence tells you when you may sell liquor. There is a one-half hour period after the hours of sale during which all patrons must finish drinking and leave the establishment. Liquor must be cleared from the tables at the end of this one-half hour period. All patrons must be out of your establishment by the end of that one-half hour, with the exception of "B" restaurants.

In "B" restaurants, where closing hours may vary, patrons may remain. However, you may not allow liquor to be served past the time noted on your liquor licence or consumed one half hour beyond this time. To ensure that there is no question of persons consuming beyond the permitted time, all liquor containers and glassware should be removed from the tables.

If your licence permits you to have off-premises sales of beer, cider and coolers you may make off-sales until 11:00 p.m.. However, any product purchased must be removed from the establishment.

10. Liquor Consumption (Excluding Licensee Retail Stores)

If liquor was not purchased in your establishment, it may not be consumed on your premises. Liquor that is purchased in your establishment must be consumed there; it may not be removed from the premises, unless it is off-sales product.

Your employees may not consume liquor in your establishment during their working hours. This includes breaks and meal periods.

11. "Drinks on the House," Treating and Credit

You may not give liquor away in your establishment. Treating customers or allowing "drinks on the house" is not permitted. All liquor must be paid for by patrons. Credit is only allowed if you are a hotel, club, resort or mess and have billing privileges for your guests or members. (The use of credit cards such as VISA, Mastercard, American Express, etc. is permitted.)

12. Pricing your Liquor

Price lists must be available to patrons. Daily price lists may not be changed until the next business day. Prices may not be reduced for the purpose of a **"Happy Hour"** or for particular guests. Periodically, there is a problem of "liquor price wars" among establishments advertising drinks **"two for one."** "Two for one" is not permitted. It implies that one drink is being given away free by the establishment, which is illegal and is not conducive to moderate consumption.

Only during an approved theme night run by a liquor manufacturer/agent, may you offer special prices on liquor products that the manufacturer/agent represents. However, the manufacturer/agent may not subsidize, in any way, the price of the product such as paying the difference between the normal selling price of the product and its "special" price during the theme night.

You may not offer liquor as part of all-inclusive meal or room packages. In other words, meals that include wine or other types of liquor as part of the purchase price, are not permitted. This applies to "complimentary" liquor included with room rates or weekend packages. However, New Year's Packages may include a glass or bottle of wine or champagne during a meal or at midnight.

Liquor may never be sold below your cost.

In a Licensee Retail Store, liquor pricing must comply with the Licensee Retail Store agreement as signed with the Liquor Distribution Branch.

Entertainment, Lotteries & Charitable Functions

13. Entertainment - General

If you have an **"A, C, D, F, or I" liquor licence,** any entertainment that takes place in your establishment must conform to local, municipal or regional district laws and guidelines. Apart from those local restrictions, you may provide entertainment including but not limited to music, radio, television, and dancing. This includes hosting a live radio or television broadcast from within the licensed establishment. Any motion pictures exhibited in a licensed establishment must be in accordance with the Motion Picture Act and its regulations. No motion picture classified as "Restricted designated" is allowed to be shown in a licensed establishment. Entertainment privileges are noted on your liquor licence. These privileges may identify conditions such as hours, or restrict any type or form of entertainment performed in your licensed establishment.

In **"B" licensed establishments,** you are allowed the same entertainment privileges as those noted above for "A, C, D, F or I" licences, with **four exceptions**:

- exotic dancers/strippers are not allowed;
- television screens must not be larger than 33";
- television screens are not allowed in holding areas;
- a maximum of 3 television screens are allowed and all must be focused to the main dining room not to the holding areas.

Other than playing field activities or bona fide performance activities in a concert hall, **entertainment may not be provided in an "E" licensed establishment.**

Entertainment is not permitted in "G" and "H" licensed premises.

If you provide any type of entertainment in your establishment, you must post a notice at the entrance to the establishment describing the type of entertainment being performed. You must also identify this when a cover charge is in effect.

Live on-premise prize-fighting, kick-boxing, and all other similar contact sports are prohibited forms of entertainment.

14. Entertainment - Exotic Dancers/Strippers

Rules concerning the conduct of exotic dancers/strippers are aimed at ensuring that the performance does not have an adverse effect upon the conduct of the patrons.

Exotic dancers/strippers are only permitted in "A" hotels, "C" cabarets, "D" neighbourhood pubs, "F" marine pubs and "I" restoration pubs. They must be at least nineteen years of age and must don appropriate clothing prior to walking through the audience both before and after their performance.

There are strict guidelines to be followed during any exotic dancer's or stripper's performance. These include no live, realistic or simulated sex acts, no insertion or extraction of any object from

body parts, no urination or defecation, no acts involving coercion or violence, no audience participation with exotic dancers and strippers, no touching, no sharing of food or beverages and no passing of objects between the dancer/stripper and members of the audience. All of the performance must be confined to the stage area. None of it may be performed in the audience area.

Exotic dancers/strippers may not act as a server or hold any other employment position in your establishment during their employment as an entertainer there.

Where accommodation is provided to entertainers, it shall be at least equal to the standard generally provided to the travelling public with respect to the traveller's safety, i.e., locks on the door, telephone in the room, etc.

15. Entertainment - Games

Games are not permitted in the licensed areas of a "B", "E", "G" or "H" licensed establishment. Games of skill including darts, pool, shuffleboard, and foosball are permitted in "A", "C", "D", and "F" licensed establishments providing they are confined to one area no greater than twenty percent of the licensed area. Electronic video games and pinball machines are permitted although restrictions apply to the number that may be placed within an establishment. Your Liquor Inspector will tell you the correct number for your establishment.

Gambling or any device used for gambling in your licensed establishment is not permitted. Electronic games are permitted for amusement only with no pay-off of any type.

16. Holding Tournaments and Contests

If you hold an "A", "C", "D", "F" or "I" licence you are permitted to run and advertise contests and tournaments. If you are a "B" licensee, you are permitted to run and advertise random draws or activities to promote your establishment. Licensees holding a "E", "G" or "H" licences may not run contests or tournaments within the licensed area of their establishments.

In any tournament, contest, random draw or associated activity, you must abide by the following restrictions:

a) no entry fees are charged; everyone who enters the establishment is entitled to enter (entry fees may only be charged when the total entry fee is donated to a recognized charity);
b) liquor must not be offered or given as a prize;
c) events do not involve the consumption of liquor;
d) events do not involve a contact sport between two or more persons;
e) events are not sponsored in cooperation with any liquor manufacturer/agent, and licensed establishments are not associated or connected in any way with a manufacturer/agent-sponsored contest (the only exception to this is when a theme night is sponsored; theme nights are not allowed in "B" restaurants, see point 25);
f) liquor manufacturers/agents may only donate or award trophies;
g) cash and merchandise prizes may not take the form of a lottery or draw where a participant may be expected to make a purchase to win (See points 17 and 24);
h) a winner does not need to be present to be eligible for any prizes or awards;
i) Drink purchases are not a condition of contest entry.

You are not permitted to advertise contests and tournaments involving wet t-shirts, wet jockey shorts, and bare as you dare, etc. If these types of contests are conducted, they must conform to community standards and physical contact between the patrons and the contestants is not permitted.

17. Selling Lottery Tickets

If you are an "A" or "D" licensee, you may sell "Break Open" or "Sports Action" tickets distributed by the B.C. Lottery Corporation.

If you are a "C", "F" or "I" licensee, you may sell only "Break Open" tickets distributed by the B.C. Lottery Corporation. Other licence classes are prohibited from selling lottery tickets. You may not run or allow others to run any gambling pools sometimes associated with major sporting events such as the Superbowl or World Series.

Only vending machines for "Break Open" tickets that have been approved by the B.C. Lotteries Corporation are allowed in licensed establishments. 649 lottery machines are prohibited. Further information may be obtained from the B.C. Lottery Corporation with locations in Kamloops, Richmond and Victoria.

18. Meat Draws

Meat draws are the only types of charitable draws allowed. These charitable draws may be held only in "A", "C", "D", "F" and "I" licensed establishments when a licence has been obtained by a charitable organization from the B.C. Gaming Commission, 848 Courtenay Street, Victoria, B.C., V8V 1X4, phone 356-2797.

19. Casino Nights

A casino night may only be held in hotel banquet rooms, or in the Section 28(b) areas in clubs providing:

- It is held for a charitable purpose;
- You obtain a licence from the B.C. Gaming Commission in Victoria (phone 356-2797);
- Liquor service or consumption does not take place in the area set aside for casino activities;
- The area where liquor service and consumption takes place is sufficiently enclosed to prevent liquor being taken outside the area.

Liquor Manufacturer/Agent Relations

20. Accepting or Demanding Inducements

You and your employees are prohibited from demanding, accepting, receiving or agreeing to receive money, gifts, reward or remuneration for promoting, inducing, or furthering the sale of a particular kind, class or brand of liquor.

Also, manufacturers, agents, representatives or any other person may not offer or give or agree to offer or give money, gifts, reward or remuneration for promoting inducing or furthering the sale of a particular kind, class or brand of liquor.

You are prohibited from accepting any material, be it money, fixtures, furnishing, product, repair costs, draught lines, rental of unoccupied rooms or any other product or service from a manufacturer or representative.

You may accept information and ideas from a manufacturer or representative that will enable you to improve your premise and operating mthods. However, this information must come directly from the manufacturer or representative, not through an outside consultant. Advice regarding lending or locating financing is not to be given by a manufacturer or agent to a licensee.

The intent of these rules is to ensure that when product is purchased, it is purchased on the basis of quality, price and consumer demand. This is considered a cornerstone of the liquor industry. Any breaches will be thoroughly investigated.

21. When a Liquor Manufacturer/Agent Visits

Mass treating or "buying drinks for the house" is not permitted by a manufacturer/agent or a manufacturers' agent's/representative in your establishment. It is permissible, however, for an agent to join customers at a table in the licensed establishment, and buy a drink for each customer at that table. The purpose of this activity is to promote a particular product to the patrons. When a manufacturer/agent visits your establishment and wants to purchase drinks for your patrons, the following conditions must be met:

a) the serving to each customer at one time is not greater than the normal serving in that particular licensed establishment;
b) that each order is paid for or put on a "tab" as it is served provided the account is settled before the agent leaves the establishment;
c) the manufacturer/agent does not treat more than one (1) table at a time except where a bona fide sporting team is being entertained;
d) the manufacturer/agent conforms to the rules and regulations of your establishment where you are a private club or military mess, and it involves no breach of the Act;
f) in licensed restaurants, the patrons must order a meal before sampling products.
g) you must issue a countersigned receipt for the dollar value of sampled product to the manufacturer/agent and both parties should retain a copy.

22. Sampling

To introduce their new products a **manufacturer/agent may give you, the licensee** samples of product, but the amount you receive must not be more than one standard size bottle in any one year, that is:

a) the smallest available size per product (750 ml or greater) listed by the Liquor Distribution Branch in the case of distilled spirits;
b) the smallest available size per product (not exceeding two litres) listed by the Liquor Distribution Branch in the case of wine;
c) one dozen 341 ml bottles or one dozen 355 ml cans of beer, domestic cider or coolers.

This product must be directed to you. It is not intended for the patrons of the establishment and must not be purchased or consumed by them. It is for licensee sampling only.

23. Consumer Tastings in "B" Licensed Restaurants

To promote their products to consumers, **liquor manufacturers/agents may offer liquor tastings** in "B" licensed establishments under the following conditions:

a) You may not charge the liquor manufacturer/agent or representative a fee for conducting the consumer tasting;
b) The manufacturer/agent has Liquor Control and Licensing Branch approval to conduct the event;
c) All liquor product used in the tasting must be purchased from you;
d) All patrons must intend to order a meal;
e) The liquor manufacturer/agent or representative must be present during the entire period of the consumer tasting;
f) Product is dispensed by the licensee and licensee staff;
g) Maximum quantities allowed to each consumer for each tasting sessions are:

	Single Product	Multiple Product
Wines	20 ml.	30 ml.
Beer/Cider/Cooler	30 ml.	45 ml.
Spirits	10 ml.	20 ml.

h) The quantities for multiple product tasting apply only where more than one product is being presented at any one time by a single manufacturer/agent, e.g. two varieties of wines.
i) Upon completion of a consumer tasting, opened bottles that have not been emptied are not to be removed from the restaurant by the manufacturer/agent. The product must be destroyed.
j) Consumer tasting programs shall not be advertised outside the restaurant by you or by a participating manufacturer/agent.
k) The manufacturer's/agent's representative must not leave open containers of beverage alcohol unattended any time.
l) You must issue a countersigned receipt for the dollar value of sampled product to the manufacturer/agent or representative. Both parties should retain a copy for audit purposes.

24. Consumer Tastings In Licensee Retail Stores

Within your Licensee Retail Store (LRS), you may arrange for liquor manufacturers/agents to conduct tastings of product available for sale in your LRS. The time and length of a consumer tasting is left to the discretion of you and the manufacturer/agent, with the understanding that all tastings will end thirty minutes prior to the closing time of the store, and with the understanding that **not more than one consumer tasting** will be conducted in a single store at any one time.

The following conditions apply to consumer tastings in LRS's:

a) Maximum quantities allowed to each consumer for each tasting sessions are:

	Single Product	Multiple Product
Wines	20 ml.	30 ml.
Beer/Cider/Cooler	30 ml.	45 ml.

b) The quantities for multiple product tasting apply only where more than one product is being presented at any one time by a single manufacturer/agent, e.g., two varieties of wines.

c) You may not charge a rental fee for demonstration space.

d) Any personnel used during a consumer taste demonstration must be provided by the manufacturer/agent involved and must be a licensed agent of the firm or a server hired by the manufacturer/agent who is familiar with the rules governing this program.

e) All liquor product sampled is to be purchased by the manufacturer/agent/agent from your Licensee Retail Store at your retail price. Donation of product by agents for tasting purposes is not permitted.

f) Upon completion of a tasting demonstration, opened bottles that have not been emptied are not to be removed from the store by the manufacturer/agent. The product must be destroyed. Unopened product must be returned to your store inventory and a refund made to the manufacturer/agent at the price paid for the product.

g) All point-of-purchase show material used to support the consumer taste program is to be supplied by the manufacturer/agent whose products are being tasted.

h) Neither you nor your manufacturer/agent is allowed to advertise consumer tasting programs outside the store. Point-of-purchase show material is the only advertising permitted within a Licensee Retail Store.

i) The manufacturer's / agent's representative must not leave open containers of beverage alcohol unattended.

25. Liquor Manufacturer/Agent Theme Nights

A theme night is a joint activity between a manufacturer/agent and a licensee for the purpose of promoting the sale of a particular brand of liquor and may include festive activities meant to promote that product. **Only "A", "C", "D", "F" or "I" licensees are permitted to host a theme night.** Other licence classes are not eligible. Before any theme night takes place, **the liquor manufacturer/agent must receive approval from the Liquor Control and Licensing Branch to conduct a theme night.** You should be satisfied that this approval has been granted before planning a theme night.

In a manufacturer's/agent's application he must include information about:

a) the date, time and location;
b) the nature of the promotion including a general description of what will take place;
c) the products to be sampled during the promotion and the quantity that will be poured for each serving;
d) the approximate total cost for "special" drinks, cocktails, or beer that is sampled and paid for by the manufacturer's/agent's agent;
e) posters, signs, and all other collateral and promotional material;
f) the nature of prizes provided by the liquor manufacturer/agent, including the number and their value.

You should be aware of several conditions associated with sponsoring a theme night, including:

a) All promotions must have a licensed agent of the manufacturer/agent at the establishment during the entire period of each function. An agent also may employ other persons to assist with a promotion;

b) The manufacturer/agent must provide an educational component to the theme night promotion. Some examples are:
   - promoting public awareness of provincial liquor laws and policies;
   - promoting awareness about alcohol abuse;
   - promotion messages related to the consequences of drinking and driving;
   - industry or corporate sponsored publications or programs featuring responsibility in beverage consumption.

c) Promotions shall not be conducted between the hours of 4:00 p.m. and 6:30 p.m. to avoid a "Happy Hour" type promotion. Afternoon promotions must end at 4:00 p.m., and evening promotions may not commence until 6:30 p.m.;

d) A maximum of eight promotions may be conducted during any one ninety day period in each establishment. Promotions may be conducted on consecutive days to a maximum of four days;

e) No liquor may be brought into an establishment by an agent or any other person. Any liquor provided to patrons by the agent must be purchased from your licensed establishment in accordance with the regulations;

f) The promotion may not be advertised outside the licensed premise unless otherwise authorized by the Branch;

g) An agent may run contests and present prizes as follows:
   - prizes may be brand or corporately identified;
   - beverage alcohol may not be given as a prize;
   - trips or accommodation may not be given as a prize;
   - anything not taken or carried from the establishment may not be given as a prize;
   - prizes must be simple in nature, e.g., hats, t-shirts, key chains, or product related items such as corkscrews, glasses, etc.;
   - **You or your employees may wear brand or corporately identified items only during a theme night promotion; they may not be worn in the licensed establishment under any other circumstances;**

h) Gratuities or tipping by the manufacturer/agent shall not exceed fifteen percent;

i) You may not give liquor away free but may establish reasonable "special" prices for manufacturer/agent promotions, and agents must pay the licensee for all products (i.e., drinks) they purchase or provide as samples;

j) A manufacturer/agent may dispense servings from a separate service counter, bar, or area that has been set up for that purpose at your discretion.

k) Samples may be served using plastic glassware. Maximum quantities allowed to each consumer for each sample is:

	Single Product	Multiple Product
Wines	20 ml.	30 ml.
Beer/Cider/Cooler	30 ml.	45 ml.
Spirits	10 ml.	20 ml.

l) You may not charge the manufacturer/agent a fee (other than the price of the liquor) for conducting a theme night;

m) You must issue a countersigned receipt for the dollar value of sampled product to the manufacturer/agent and both parties should retain a copy.

26. Using Liquor Manufacturer/Agent Promotional Material (excluding Licensee Retail Stores)

Suppliers may provide licensees with corporate or brand identified promotional material of token value for use in their licensed establishment, for eg., coasters, tent cards, posters, etc. Suppliers may not provide and licensees may not accept or use any items from manufacturers/agents that are necessary to the operation of the licensed establishment, e.g., **glassware, draught lines,** etc. Banners are not acceptable as promotional material from a manufacturer/agent.

Further, licensees are not permitted to distribute manufacturer/agent identified gifts/apparel or tickets to entertainment events provided by the manufacturer/agent as prizes or gifts to their patrons. Only manufacturers/agents may do this during their theme nights. Licensees and their employees may not wear manufacturer/agent identified items such as clothing and headgear while working within the establishment unless it is during an approved theme night. See point 25.

"G" and "H" licensees are permitted to sell items such as shirts and hats bought from a liquor manufacturer/agent if licensees are invoiced and pay a fair market value for the items and if the items are not jointly branded with both the name of the licensed establishment and the liquor manufacturer/agent.

27. Using Liquor Manufacturer/Agent Promotional Material in Licensee Retail Stores

Any liquor manufacturer/agent promotional material used in a licensed retail store must be approved through either a Liquor Distribution Branch IMAGE program or by the Liquor Control and Licensing Branch. This material is limited to shelf-talkers, ceiling danglers, and product display structures. Promotion of product is not allowed when the purchase of a product is a condition, for eg., reduction in the price of cigarettes or free snacks with the purchase of a quantity of beer or wine. Advertising liquor products or prices outside your establishment is prohibited.

Advertising

28. Advertising Your Licensed Establishment

As a licensee, you may provide information about the name of your establishment, the category of licence held, e.g., pub or lounge, the location of the establishment and the hours of sale and the entertainment or food that may be featured. You may advertise within the following categories:

a) newspapers, magazines, and periodicals;
b) pamphlets or brochures, including graphics and pictures of their establishment and licensed areas (including service bar);
c) radio and television (for licensee retail stores, see point 29);
d) signs located on the building;
e) directional signs located on the property;
f) directional signs located away from the property;
g) novelties and point of sale material.

Advertising in any of the following forms is prohibited:

a) the advertising of a liquor manufacturer's/agent's name, liquor, liquor prices, or that a particular kind, class, or brand of liquor is available (for Licensee Retail Stores, see point 29);
b) advertising that, either directly or indirectly, contains scenes where liquor is actually being consumed. Scenes may show liquor at tables but food must be introduced to help establish a sense of moderation;
c) any advertisement depicting patrons who appear intoxicated;
d) any advertisement that unduly exploits the face or figure of an individual;
e) "off-premise sales" advertising;
f) any advertisement by a club that is directed to the general public where the advertisement is seen to be soliciting non-members to attend the licensed portion of the club without a member;
g) any advertisement by a recreational centre that is focussed primarily on the licensed portion of the facilities or the activities available in those licensed facilities.
h) any advertisement that may seemingly identify them-selves as another type of licensee, for e.g., identified as a pub or lounge if they do not hold that class of licence.

29. Advertising Your Licensee Retail Store

Licensee Retail Store advertising must abide by the above rules with the following two exceptions:

a) the Canadian Radio-television and Telecommunications Commission (CRTC) prohibit Licensee Retail Store advertising on radio and television;
b) Licensee Retail Stores may advertise themselves as "cold beer and wine stores" in the **print media only**; they may not advertise product or prices.

30. Using Signs to Advertise

You may display signs **inside or outside** the establishment naming your establishment and noting it is licensed but it must comply with municipal by-laws and the guidelines noted in this publication.

Your **outside signs may not have** any reference to the availability of a brand, class, type or price of liquor. Your **signs may,** however, depict a shape of a glass of wine or a martini glass or a beer stein.

Your **inside signs must advertise to patrons inside the establishment,** not to passers-by. That is, signs may be placed on inside back walls and side walls but may not be placed in windows or so close to windows that the intent or obvious effect is to display them to passers-by.

If you are uncertain concerning the legality of a proposed advertisement, you may submit it to the Branch for review.

VII. Let's Work Together

We all have obligations to fulfill and the system works best when all licensees and the Liquor Control and Licensing Branch work together to achieve the spirit and intent of liquor legislation. The Branch appreciates the many aspects of business operation that you must consider. These business considerations must always include liquor licensing laws. Never hesitate to discuss potential enforcement problems with a Liquor Inspector or other official of the Branch. They are there to help you to understand and observe the liquor laws of British Columbia.

VIII. For More Information Contact Your Liquor Inspector

CAMPBELL RIVER

Liquor Inspector
Liquor Control and Licensing Branch
Attorney General
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TRAIL

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